[ANSWER OF THE NETHERLANDS GOVERNMENT TO THE]

PUBLIC CONSULTATION ON
THE INDEPENDENCE OF AUDIOVISUAL REGULATORY BODIES

PURPOSE: The purpose of this consultation is to collect views on the issue of independence of regulatory bodies competent for audiovisual media services when acting within the scope of Directive 2010/13/EU on audiovisual media services (AVMSD) and on possible options for strengthening their independence, including a possible revision of Article 30 of the AVMSD.

Duration: 22.03.2013 – 14.06.2013 (12 weeks)

Targeted respondents: Citizens, organisations, public authorities

Responding to the consultation

You can either complete the questionnaire online or send your response to:

> Public consultation on the independence of audiovisual regulatory bodies
> European Commission
> Directorate General for Communications Networks, Content and Technology Unit G1
> Office BU25 05/181
> B - 1049 Brussels

Personal data

Contributions will be published on the website of the Directorate General for Communications Networks, Content and Technology. The responses received will be available in the Commission website unless confidentiality is specifically requested.

To this end we would kindly ask you to clearly indicate in the section 'submission' of the questionnaire if you would not like your response to be publicly available.

Rules on personal data protection[1]

Contact

CNECT-G1-REGULATORS@ec.europa.eu

Transparency

For the sake of transparency, we invite organisations to provide the public with relevant information about themselves by registering in the Joint Transparency Register and subscribe to its Code of Conduct. If an organisation is not registered, its submission will be published separately from those of the registered organisations.

1. INTRODUCTION

DG CONNECT is consulting the public on the issue of independence of regulatory bodies

when acting within the scope of the AVMSD and on possible options for strengthening their independence, including a possible revision of Article 30 of the AVMSD[2].

Article 30 AVMSD reads as follows:

> "Member States shall take appropriate measures to provide each other and the Commission with the information necessary for the application of this Directive, in particular Articles 2, 3 and 4, in particular through their competent independent regulatory bodies."

Additionally, recital 94 AVMSD refers to the fact that the Member States "are free to choose the appropriate instruments according to their legal traditions and established structures, and, in particular, the form of their competent independent regulatory bodies, in order to be able to carry out their work in implementing this Directive impartially and transparently".

This consultation relates to the conditions of application by national authorities of existing EU internal market rules regarding the audiovisual sector, laid down in the AVMSD, as lastly modified by Directive 2007/65, which Member States were required to transpose into national law by 19 December 2009. It does not relate to, or imply, any possible amendment or extension of scope of those substantive rules, but solely focuses on the functioning of independent regulatory bodies when acting within the scope of the AVMSD and addresses issues such as their organization, status, competences and resources. It should be seen, albeit distinct, in the context of the forthcoming plenary vote in the European Parliament on the AVMSD 1st Application Report,[3] on the “EU Charter: standard settings for media freedom across the EU” report[4] and the following studies and reports:

- Recommendation 6 of the Report of the High Level Group on Media Freedom and Pluralism[5], subject to a specific public consultation (High Level Group Report*);*
- the results of the Study on independence of audiovisual regulatory authorities (INDIREG)[6]*;*
- the results of the Study on Indicators for Media Pluralism in the Member States – Towards a risk based approach[7].

The systems in the various countries differ substantially. One should bear in mind the regulatory culture of Member States because a one-size-fits-all approach may be difficult to apply.

2. BACKGROUND

Free and pluralistic media are amongst the EU's most essential democratic values. In the EU, the respect of media freedom and media pluralism should not only be about the technically correct application of EU and national law, but also, and probably even more importantly about implementing and promoting these fundamental democratic principles in practice.

In this context we should examine the role that the independent audiovisual regulatory bodies can play for the preservation of these values when acting within the scope of the AVMSD.

The wording of Article 30 AVMSD does not directly establish an obligation to create an independent regulatory body if such does not already exist. Construed in the light of recital

94, it highlights though the long-term policy objective of creating incentives for Member States to establish independent regulatory bodies to ensure the proper application of the AVMSD and, in particular, the respect of media freedom and pluralism, as required by Article 11 of the Charter, when acting within the scope of the AVMSD. It also requires that Member States' independent regulatory bodies play a role in collaborating with each other and with the European Commission in implementing the directive.

Additionally, recital 94 AVMSD refers to the fact that the Member States "are free to choose the appropriate instruments according to their legal traditions and established structures, and, in particular, the form of their competent independent regulatory bodies, in order to be able to carry out their work in implementing this Directive impartially and transparently".

3. Limitations of Article 30 AVMSD and Possible Responses

When enforcing the AVMSD, the Commission services have been faced with the fact that Article 30 does not specifically address how the independence of audiovisual regulatory bodies should be ensured, which is for example the case in some other regulated sectors where existence of independent regulators is envisaged (e.g. electronic communications, postal services). As such, Article 30 does not oblige Member States to guarantee the independence of audiovisual regulators. This limitation was visible in pre-accession negotiations where the Commission lacked a binding instrument to require the independence of newly created audiovisual regulatory bodies.

The INDIREG Study on "Indicators for independence and efficient functioning of audiovisual media services regulatory bodies" done on behalf of the Commission also pointed out the limits of Article 30 AVMSD. The Final Report[8] states that in some EU countries either the legal set-up does not guarantee that regulatory bodies exercise their powers independently or that regulatory bodies are formally independent, but not in practice.

The Final Report of the High Level Group on Media Freedom and Pluralism also reflected the limitations of Article 30 AVMSD. The Group examined limitations of media freedom, including state interference and role and the independence of regulatory bodies. It issued recommendations to the Commission, aimed at fostering a wide debate with Members of Parliament, Member States and representatives of the media and civil society. It comprised experts, selected on the basis of their knowledge, experience, independence and proven track record as in-depth thinkers in the areas of pluralism and freedom of the media.

In January 2013, the Group issued a report with 30 recommendations. On the role of regulators in preserving media freedoms and pluralism, the report recommends greater harmonisation in the way the composition and role of regulators is defined. It recommends revising Article 30 AVMSD to guarantee that all audiovisual regulatory bodies are independent and that appointments to these bodies are made transparently, with all appropriate checks and balances. It also recommends the creation of a network of national audiovisual regulatory bodies, after the model of the electronic communications framework to share common good practices and to set quality standards.

The Study on "European Union competencies in respect of media pluralism and media freedom" by the Centre for Media Pluralism and Media Freedom (CMP) reached similar conclusions.[9] Its findings suggest that establishing independent audiovisual regulatory bodies

could help fostering media freedom and media pluralism. Lack of harmonisation in this area contrasts strongly with the electronic communications framework[10], which regulates closely related and complementary issues to those in the AVMS Directive. Some Member States already have a single body supervising both electronic communications and audiovisual media services.

The limitations of Article 30 AVMSD also triggered a European citizen's initiative on media pluralism that was registered with the Commission on 5 October 2012. The deadline for collecting one million signatures ends on 1 November 2013. The leaders of the initiative aim at guaranteeing the independence of audiovisual regulatory bodies by referring to the need to protect media pluralism.

The own experience of the Commission services, the above mentioned studies and initiatives, and recurring calls for a harmonised independence obligation by the European Parliament and civil society justify the need to consult on the need to either strengthen the continuous monitoring of the independence of regulatory bodies or to consider a revision of Article 30 AVMSD.

4. Formalizing Cooperation between Audiovisual Regulatory Bodies – Background

The Final Report of the High Level Group on Media Freedom and Pluralism recommends the cooperation between the regulatory authorities and the Commission to be formalised in order to share best practices and define quality standards.

Since 2003, the Commission has already convened informal annual meetings of a Working Group of Audiovisual Regulatory Authorities. The existence of this group does not stem from any legal obligation contained in the AVMSD. These meetings are attended by regulatory authorities from the Member States, the candidate countries and the EEA countries.

At the moment, Article 30 AVMSD constitutes the basis for strengthened cooperation between regulatory authorities and the Commission in order to promote better enforcement of the rules of the Directive, notably when issues of jurisdiction are at stake. In practice, the meetings of the Group also provide an opportunity to discuss the implementation of specific provisions of the AVMSD, such as the rules on audiovisual commercial communication, on the promotion of European works or on incitement to hatred[11].

A further level of formalization of the Working Group could provide a setting for agreeing collective approaches to enforcement questions in a mutually obliging manner and for identifying shared concerns requiring the attention of regulatory bodies, notably insofar as cross-border service delivery is concerned. It could provide added coherence inside the Internal Market and a more harmonious application of Union law than a voluntary cooperation at the international level, as it already exists in the form of the European Platform of Regulatory Authorities (EPRA), whose membership goes beyond the membership of the above referred Working Group.

It could also allow for discussing issues and exchanging opinions on matters that are outside the scope of the AVMSD but which are within the competences of independent regulatory authorities in the audiovisual field. Matters related to media pluralism could be among them.

The possible formalization of the Working Group of Audiovisual Regulatory Authorities would not have any impact on the existence and functioning of the Contact Committee, established by Article 29 AVMSD. Its existence proved very useful for the exchange of information and opinions between the Member States and the Commission.

5. OPTIONS TO STRENGTHEN INDEPENDENCE UNDER THE AVMSD

- **Status quo option:** the Commission services will not propose any changes to the relevant provision of the AVMSD if, based on the feedback from this public consultation and other analyses, they assess that the current situation is satisfactory and without likely net benefit from further EU action to guarantee the independence of audiovisual regulatory bodies.

  In case the analysis provides the evidence that there is a need for action and that it would be effective and proportionate to harmonise the framework underpinning the work of regulatory bodies, the Commission services may envisage an initiative in this area.

In addition to the status-quo option, **the following options** could be considered.

- **Non-legislative option:** This option would imply the reinforcement of the Commission existing instruments, including by strengthening the monitoring activities to verify on the ground in each Member State the quality of regulatory independence or through formalization of the cooperation between audiovisual regulatory bodies.

- **Legislative option:** In addition to cooperation between the regulatory bodies and the Commission, as in the current text of Article 30 AVMSD, one could envisage the explicit requirement for the Member States to guarantee the independence of national regulatory bodies and ensure that they exercise their powers impartially and transparently. This option would leave the tool box for attaining those goals to the discretion of Member States. It would not give guidance on how to best ensure independence. It could also provide for the formalisation of the Working Group of Audiovisual Regulatory Authorities.

- **Further-reaching legislative option**: This would address more detailed characteristics of national regulatory bodies and include among other possible criteria to ensure independence, such as explicit reference to the need for autonomous decision making, transparent and impartial dismissal rules and adequate human and financial resources. It would also provide for the formalisation of the Working Group of Audiovisual Regulatory Authorities. The institutional requirements included in the electronic communications framework could serve as a model in establishing a similar organisational set up for the independence of audiovisual regulatory bodies. Its rules prescribe that Member States protect national regulatory authorities (NRAs) against external intervention and political pressure which might jeopardise their independent assessment of matters coming before them, that they adopt rules regarding the grounds for dismissal of the Head of the NRA and that they guarantee

that the NRAs have their own budget which is sufficient to allow them to recruit an adequate number of qualified staff.

The experience to date with the NRA rules is that they allow a continued variety of structures in Member States. These rules do not automatically remove all concerns regarding independence in all Member States, but they do seem to offer a higher degree of assurance of independence than prevails under AVMSD.

As a benchmark for the present consultation we take the key characteristics of independent regulatory bodies as conceived by the INDIREG study.

In line with the formal indicators of independence (reflecting the legal set-up) and the *de facto* indicators of independence (reflecting resilience to political pressure), the independence of an audiovisual body could be structured along some or all of the following lines:

a. Status and powers – requiring bodies to be sufficiently autonomous in exercising their powers;
b. Financial autonomy – requiring that the body disposes of sufficient financial resources, (otherwise its independence and efficient functioning are at risk);
c. Autonomy of decision makers – requiring that nomination and appointment procedures are constructed in a way that prevents considerable structural bias in decision making. Rules against conflict of interest with regard to both government and industry are essential;
d. Knowledge – requiring the competent body to be equipped with sufficient human resources and adequate expertise; and
e. Transparency and accountability mechanisms – requiring reporting obligation (e.g. annual report presented to the Parliament) and audit.

6. NEXT STEPS

The results will be summarised and made public according to the Commission minimum standards for public consultations. Feedback will be used to develop, assess and select policy options in view of strengthening independence of regulatory bodies when acting within the scope of the AVMSD and might be integrated in a possible impact assessment. Stakeholders will be kept informed of progress at dedicated stakeholder meetings.

QUESTIONNAIRE

I. RESPONDENT INFORMATION

The first part of this questionnaire collects information about you on the basis of whether you reply in an individual capacity or on behalf of an entity such as an organisation, institution or association. If your work for such an entity, but do not formally represent its views, please complete the survey as an **individual respondent** (go to section I.1 below) . If you represent the views of multiple persons or entities - for example, several members of a research group in one Member State or an international consortium spanning multiple Member States - please select the **representative option** (go to section I.2 below) and clearly indicate the name of the entity/ies on whose behalf you respond.

Representational information

What type of entity do you represent?

- ☐ Party group
- ☐ Public authority
- ☐ Regulatory body
- ☐ Industry
- ☐ Trade association
- ☐ Non-governmental organisation
- ☐ Research body
- X Other: Government

Please indicate the name of the entity you represent:

The Ministry of Education, Culture and Science

What do you consider the nationality of the entity you represent? (one selection only)

☐ Austrian	☐ Belgian	☐ British	☐ Bulgarian
☐ Cypriot	☐ Czech	☐ Danish	X Dutch
☐ Estonian	☐ Finnish	☐ French	☐ German
☐ Greek	☐ Hungarian	☐ Irish	☐ Italian
☐ Latvian	☐ Lithuanian	☐ Luxembourgian	☐ Maltese
☐ Polish	☐ Portuguese	☐ Romanian	☐ Slovak
☐ Slovene	☐ Spanish	☐ Swedish	☐ other

Within the EU, what is the primary place of establishment of the entity you represent?

☐ Austria	☐ Belgium	☐ Bulgaria	☐ Cyprus
☐ Czech Republic	☐ Denmark	☐ Estonia	☐ Finland
☐ France	☐ Germany	☐ Greece	☐ Hungary
☐ Ireland	☐ Italy	☐ Latvia	☐ Lithuania
☐ Luxembourg	☐ Maltese	X Netherlands	☐ Poland
☐ Portugal	☐ Romania	☐ Slovakia	☐ Slovenia
☐ Spain	☐ Sweden	☐ UK	☐ outside the EU

II. QUESTIONS REGARDING THE INDEPENDENCE OF AUDIOVISUAL REGULATORY BODIES

II.1 MEDIA FREEDOM, PLURALISM AND THE ROLE OF REGULATORY INDEPENDENCE

1. In your view, how relevant is the independence of audiovisual regulatory bodies for the preservation of free and pluralistic media when applying the Audiovisual Media Services Directive?

X Very relevant
☐ Relevant
☐ Not very relevant
☐ Not relevant
☐ No opinion

2. How relevant do you consider the independence of audiovisual regulatory bodies for the effective transposition and application of the Audiovisual Media Services Directive?

☐ Very relevant
X Relevant *(Mainly for the application of the Audiovisual Media Services Directive, because the national legislator is responsible for the transposition)*
☐ Not very relevant
☐ Not relevant
☐ No opinion

3. In your view does a lack of independence of audiovisual media regulatory bodies cause problems for the application of the Audiovisual Media Services Directive in any of the following areas:

	Very Relevant	Relevant	Not very relevant	Not relevant	No opinion
Jurisdiction			X		
Audiovisual commercial communication (including television advertising, teleshopping etc.)		X			
Promotion of European works		X			
Protection of minors		X			
Right of reply					X *(The Dutch media regulatory authority does not supervise this)*

4. In your view, how does convergence of the media affect the necessity of regulatory independence for the application of the AVMSD?

- ☐ Greatly reinforces the need for independence
- X Reinforces the need for independence
- ☐ Slightly reinforces the need for independence
- ☐ Does not affect the need for independence
- ☐ Reduces the need for independence
- ☐ No opinion

5. Overall, What relevance do you attach to the following elements for the independence of regulatory bodies?

	Very relevant	Relevant	Not very relevant	Not relevant	No opinion
Status and powers	X				
Financial autonomy	X				
Autonomy of decision-makers	X				
Not being subject to instructions	X				
Dismissal conditions	X				
Length of term	X				
Knowledge	X				
Transparency	X				
Accountability mechanisms	X				

6. Do you think that it is relevant in the convergent environment for audiovisual regulatory bodies to cooperate with their counterparts within the EU when acting within the scope of the AVMSD?

X Very relevant
☐ Relevant
☐ Not very relevant
☐ Not relevant
☐ No opinion

7. If you considered cooperation between regulatory bodies in question 6 either as 'relevant' or 'very relevant', do you consider cooperation in the following fields:

	Very relevant	Relevant	Not very relevant	Not relevant	No opinion
Jurisdiction	X				
Protection of minors	X				
Hate speech	X				
Commercial communications	X				
Media Pluralism	X				
Media ownership	X				

8. If you considered cooperation between regulatory bodies in question 6 either as 'relevant' or 'very relevant', how appropriate would you consider the following arrangements to enable cooperation between regulatory bodies?

		Very appropriate	**Appropriate**	**Not very appropriate**	**Not appropriate**	**No opinion**
A voluntary gathering of competent regulatory bodies	At EU level	X				
	At pan-European level		X			
	At international level			X		
		Very appropriate	**Appropriate**	**Not very appropriate**	**Not appropriate**	**No opinion**
A legally mandated gathering of competent regulatory bodies	At EU level				X	
	At pan-European level				X	
	At international level				X	
An agency	At EU level				X	
	At pan-European level				X	
	At international level				X	

If you envision another form of cooperation not listed in the above table, please specify it here, including its geographical reach (EU, pan-European, international), and express its relevance in terms of the above scale.

The Netherlands does not envision any other form of cooperation. In any case: cooperation should be voluntary.

II.2 IMPACT OF REGULATORY INDEPENDENCE

9. In your view, what is the impact of a lack of independence of regulatory bodies when acting within the scope of the AVMSD on the freedom and pluralism of the media and the markets in which they operate?

	Significantly improve	Moderately improve	No impact	Moderately worsen	Significantly worsen	No opinion
Media freedom						X *(The Dutch media regulatory authority does not supervise this)*
Media pluralism						X *(The Dutch media regulatory authority does not supervise this)*
Market conditions						X *(The Dutch media regulatory authority does not supervise this)*

10. In economic terms, the independence of regulatory bodies may produce specific benefits and costs linked to the direct execution of their tasks and to the results that this produces. In your view, what economic implications does the independence of regulatory bodies have on the dimensions listed in the left-hand column when acting within the scope of the AVMSD?

	Significantly increase	Moderately increase	No implications	Moderately decrease	Significantly decrease	No opinion
Staffing costs						X
Administrative costs						X
Costs of enforcement activity						X
Private litigation costs						X
Industrial growth						X
Market concentration						X
Welfare gains						X

If you consider there to be other significant economic consequences of regulatory independence not listed in the above table, please specify them here and express how they are shaped by independence in terms of the above scale.

11. In your view, what administrative implications does the independence of regulatory bodies have when acting within the scope of the AVMSD on:

	Significantly increase	Moderately increase	No implications	Moderately decrease	Significantly decrease	No opinion
Average procedural duration						X
Effective application of the law		X				
Impartiality	X					
Responsiveness to external pressures	X					
Public-private collaboration (between regulatory bodies, industry and other stakeholders)						X

If you consider there to be other significant administrative consequences of regulatory independence not listed in the above table, please specify them here and express how they are shaped by independence in terms of the above scale.

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II.3 EXERCISE OF REGULATORY TASKS

12. In your view, how relevant is it for audiovisual regulatory bodies to exercise their powers without any political or other external influence when acting within the scope of the AVMSD?

- X Very relevant
- ☐ Relevant
- ☐ Not very relevant
- ☐ Not relevant
- ☐ No opinion

13. Do you consider that reserving the power to overturn the decisions to a court rather than to the government is essential to the independence of an audiovisual regulatory body?

X No (maar een vernietiging / schorsing van een besluit door de Minister moet wel kunnen worden aangevochten bij een onafhankelijke rechter)
- ☐ Yes
- ☐ No opinion

14. In your view, are sanctioning powers to enforce decisions applying rules addressed to the audiovisual media a defining element of the regulator's independence?

- X Yes
- ☐ No
- ☐ No opinion

II.4 RESOURCES

15. In your view, how relevant are adequate financial resources for a regulator's independence?

- X Very relevant
- ☐ Relevant
- ☐ Not very relevant
- ☐ Not relevant
- ☐ No opinion

16. How relevant are adequate human resources for a regulator's independence?

- X Very relevant
- ☐ Relevant
- ☐ Not very relevant
- ☐ Not relevant
- ☐ No opinion

17. In your view, what is the relevance of the sources of revenue for the regulator's independence?

	Very relevant	Relevant	Not very relevant	Not relevant	No opinion
State funding	X				
Operator license fees	X *(supervision costs)*				
Operator turnover levy					X *(This system is not used to finance the Dutch Media-regulatory authority.)*
Other commercial revenue sources (such as an advertising tax)					X *(This system is not used to finance the Dutch Media-regulatory authority.)*

If, in your view, there are other sources of revenue that have a bearing on regulatory independence, please specify them here and express their relevance for the latter in terms of the above scale.

II.5 NOMINATION, APPOINTMENT & DISMISSAL OF KEY STAFF

18. In your view, how relevant is the nomination process of the head of a regulatory body for its independence?

- X Very relevant
- ☐ Relevant
- ☐ Not very relevant
- ☐ Not relevant
- ☐ No opinion

19. In your view, how relevant is the nomination procedure of the members of the decision-making body of a regulatory body for its independence?

- X Very relevant
- ☐ Relevant
- ☐ Not very relevant
- ☐ Not relevant
- ☐ No opinion

20. In your view, how relevant is the appointment procedure of the head of a regulatory body for its independence?

- X Very relevant
- ☐ Relevant
- ☐ Not very relevant
- ☐ Not relevant
- ☐ No opinion

21. In your view, how relevant is the appointment procedure of the decision-making body of a regulatory body for its independence?

- X Very relevant
- ☐ Relevant
- ☐ Not very relevant
- ☐ Not relevant
- ☐ No opinion

22. In your view, how relevant for the independence of a regulatory body is the expertise of its head and decision-making bodies?

- X Very relevant
- ☐ Relevant
- ☐ Not very relevant
- ☐ Not relevant
- ☐ No opinion

23. Where nominations and/or appointments of members of regulatory bodies are made by Parliament, do you consider that all political groups should participate in those processes?

- X Yes
- ☐ No
- ☐ No opinion

24. In your view, how relevant for a regulator's independence is following applicable rules on conflicts of interest in the appointment and nomination procedures?

- X Very relevant

☐ Relevant
☐ Not very relevant
☐ Not relevant
☐ No opinion

25. How relevant do you consider non-renewability of the term of office of the head and members of the decision-making body to the independence of a regulatory body?

X Very relevant
☐ Relevant
☐ Not very relevant
☐ Not relevant
☐ No opinion

26. How relevant do you consider spreading the appointment of the members of the regulatory body over several time periods (rather than exchanging all of them at once) for the independence of a regulatory body?

X Very relevant
☐ Relevant
☐ Not very relevant
☐ Not relevant
☐ No opinion

27. In your opinion, who should have the right to dismiss the head of a regulatory body?

☐ Parliament
X Minister *(An independent judge may overrule this decision)*
☐ Court
☐ Citizens

28. In your opinion, who should have the right to dismiss the (members of the) decision-making body of a regulatory body?

☐ Parliament
X Minister *(An independent judge may overrule this decision)*
☐ Court
☐ Citizens

29. In your opinion, should the grounds of dismissal applicable to the head of a regulatory body and the members of its decision-making body be limited to non-fulfillment of the conditions defined in advance by law for the performance of professional duties?

X Yes *(Very important. There should be no room for arbitrariness.)*
☐ No

☐ No opinion

II.6 RESPONSIBILITY

30. In your view is transparency of the exercise of its tasks an essential condition for a regulator's independence?

X Yes
☐ No
☐ No opinion

31. In your view is accountability for the exercise of its tasks, for example through a recurrent reporting obligation, an essential condition for a regulator's independence?

X Yes
☐ No
☐ No opinion

II.7 CLOSING OBSERVATIONS

If you have any further observations on the subject matter of this consultation that you would like to share (such as examples of best practices), please enter them here:

In the Netherlands the Media Authority (Commissariaat voor de Media) has supervision over public service broadcasters, private broadcasters and cable network operators, as far as the provisions in the Media Act apply to them. In a study carried out for the Commission, the Authority was given very high marks.[1] On paper, our Authority may not fulfil every conceivable requirement for independence, but on the whole, it functions with great autonomy, with respect to both the minister and the audiovisual media. This shows that there is sometimes a gap between theory and practice. The Netherlands believes that the focus should be on evaluating the de facto independence of media oversight bodies. If the Commission were to present a proposal for amending the Audiovisual Media Services Directive, the criteria for independent supervision of the telecom market (article 3 of the 2009 Framework Directive on electronic communications) could serve as an example.

III. SUBMISSION OF YOUR CONTRIBUTION

Do you consent to the publication of your submission?

X Yes
☐ No

[1] 'Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive' (SMART 2009/0001) http://ec.europa.eu/avpolicy/docs/library/studies/regulators/final_report.pdf.

Participation in follow-up

The European Commission will, after reviewing the submissions to this consultation, decide on further steps to be taken. We may wish to contact respondents for further clarification of their replies or to involve them in follow-up activities.

If you would like to indicate your availability towards these ends, please state your coordinates here:

Please submit your completed response to:

> Public consultation on the independence of audiovisual regulatory bodies
>
> European Commission
>
> Directorate General for Communications Networks, Content and Technology Unit G1
> Office BU25 05/181
>
> B - 1049 Brussels

Thank you for your participation.